

In re Application of:
Rheins and Morhenn
Application No.: 09/375,609
Filed: August, 17, 1999
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PATENT
Attorney Docket No.: DERM1100-1

REMARKS

After entry of the present Supplemental Amendment, claims 64-65, 70-95, 97-106, and 111-155 will be pending and under consideration. In the present communication, claims 149-155 have been added and claims 92, 94, 102, 128, and 134 have been amended. The claims as amended are in Exhibit A and the claims as they would stand upon entry of the amendments is attached herewith as Exhibit B.

The amendments submitted herewith are supported by the specification and original claims and do not add new matter. For example, originally filed claims such as claims 6, 7, 12, and 13 recite that the polynucleotide of the sample can be RNA such as mRNA. Furthermore, page 8, line 30 to page 9, line 1 indicate that the present invention can be used to determine expression levels. Furthermore, regarding newly added claim 152, the specification as filed, for example at page 13, lines 10 to 18 discuss methods of the present invention that monitor the skin for changes in RNA levels. Finally, regarding newly added claim 154, the specification, for example, at page 10, lines 1-10 discusses the use of probes.

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In the event any matters remain to be resolved in view of this communication, Examiner is requested to telephone Lisa A. Haile, J.D., Ph.D. at (858) 677-1456 so that a prompt disposition of this application can be achieved.

The Commissioner is hereby authorized to charge any other fees associated with the filing submitted herewith, or credit any overpayments, to Deposit Account No. 50-1355.

Respectfully submitted,

Date: July 22, 2002



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Enclosures: Exhibits A and B

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EXHIBIT A

MARKED-UP COPY OF THE CLAIMS SHOWING THE AMENDMENTS

In the Claims

Please amend claims 92, 94, 102, 128, and 134 as follows:

92. (Amended) The method of claim 64, further comprising applying the sample to a [chip] DNA array.

94. (Amended) The method of claim 64, further comprising applying the cellular material sample to a [chip] DNA array.

102. (Amended) The method of claim 95, further comprising applying the nucleic acid, or complementary equivalent, to a [chip] DNA array.

128. (Amended) The method of claim 104, further comprising applying the sample to a [chip] DNA array.

134. (Amended) The method of claim 130, further comprising applying the nucleic acid to a [chip] DNA array.

Please add the following claims:

--149. A non-invasive method for determining an RNA expression profile in a skin sample, the method comprising:

(a) applying at least one application of an adhesive to a sample site on the skin and removing the adhesive from the skin in a manner such that the skin nucleic acid profile after application is not affected for up to about two hours, and such that a sample comprising a ribonucleic acid (RNA) adheres to the adhesive after its removal, or, scraping the skin with

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an instrument to remove a sample comprising RNA from the skin, thereby obtaining a skin sample comprising RNA; and

(b) isolating or detecting RNA from the skin sample of step (a) for determining the RNA expression profile in the skin sample.

150. The method of claim 149, wherein the skin sample is isolated by applying the adhesive surface to the sample site of the skin between one and twenty five times to obtain the skin sample.

151. The method of claim 149, wherein the RNA is mRNA.

152. The method of claim 149, wherein steps a) and b) are performed repeatedly over time to identify changes in the expression pattern at the sample site.

153. The method of claim 149, wherein the RNA isolated or detected comprises RNA encoding a cytokine.

154. The method of claim 149, wherein RNA is detected by probing RNA of the sample with a polynucleotide complementary to a sequence of interest.

155. The method of claim 149, wherein RNA is detected using a DNA array.--